

**PLANNING COMMISSION MINUTES**  
**December 1, 1992**

Present: Chairman Jeff Chretien, Dick Dresher, Elaine McKay, Don Milligan, Mark Green; Barbara Holt, City Council Representative; Jack Balling, City Engineer; Blaine Gehring, Planning and Redevelopment Director; Shirley Chevalier, Recording Secretary

Absent: Mike Holmes, Mick Johnson, Kathi Izatt

The minutes of November 17, 1992 were not submitted for approval at this time.

**Subdivision**

**12-1-92.3** Consider approval of two building lots at 1226 and 1268 East Canyon Creek Drive, Bill Cook, Owner/Developer

At the time the Creekwood of Indian Springs Subdivisions were developed, a parcel of land approximately 750 ft. long on the south side of Canyon Creek Drive was not included in a subdivision. Mr. Bill Cook has purchased this property and wants to divide it into two building lots, which meet the requirements of the Foothill Zone. The west lot, parcel A, is very narrow and City Engineer Jack Balling recommends a reduced front setback of 20 ft. be allowed on this lot. This meets the provision in the ordinance under "Steep Sloping Lot".

Staff recommends preliminary and final approval subject to the following conditions:

1. A 7 ft. utility easement granted to Bountiful City for utilities around the perimeter of both lots;
2. Payment of a storm detention fee in the amount of \$3,221.40;
3. A water connection fee of \$4,485.00 for each lot, to be paid before water is installed;
4. A sewer connection fee to be paid to South Davis Sewer District;
5. A power connection fee to be paid as required by the Power Department;
6. A 20 ft. wide creek easement to be granted to the city along the north side of the creek;
7. Payment of \$30.00 per lot for subdivision check fee;
8. Payment of all other fees and development costs for utilities not listed;
9. Compliance with all building codes and ordinances of Bountiful City;
10. This development may be sold by legal description and a subdivision plat will not be required.

Robert Mabey said land adjacent to this parcel is in a family trust and they are not happy. He has been unsuccessful in getting legal title to his driveway off Canyon Creek Drive because of the problems with the sale of this property. He thinks this proposal is a misapplication of the Foothill Ordinance for this property.

Mr. Gourley, an adjacent property owner, expressed his frustration as well in securing title to his driveway. He gave a brief history of the property and its sale to Mr. Cook. He questioned whether or not Mr. Cook had title yet.

Mr. Cook stated he had done everything that was required by law in acquiring this property and requesting it be divided into two separate lots. He said he had title and would produce evidence if necessary.

Dick Dresher made a motion to recommend preliminary and final approval to City Council subject to the conditions outlined by staff with two additional conditions: 1. Proof by Mr. Cook of title of ownership prior to the City Council approval; 2. No less than a 20 ft. setback be allowed on parcel A, because it meets the ordinance. Don Milligan seconded the motion; voting was unanimous.

**12-1-92.4** Consider reapproval of preliminary approval for Canyon Creek Estates Subdivision

This item was cancelled and will be heard December 15, 1992.

**12-1-92.5** Reconsideration of Conditional Use 92-8C, PUD, 2028 East Ridgehill Drive, Marv Bloesch, Developer (Reopen Public Hearing from November 17, 1992)

At the public hearing held November 17, 1992, the Planning Commission made a motion to recommend denial of the Windsor Park PUD proposed by Mr. Bloesch. There were many variances requested for this plan which the Commission felt were excessive. Also, a large number of residents whose property abuts this parcel or who live in the neighborhood, adamantly opposed the plan. Mr. Gehring met with the City Attorney, Layne Forbes, following that meeting and determined that a denial would mean Mr. Bloesch would not be able to submit another plan for twelve months. That was not the intent of the motion passed at the last meeting. He scheduled a reconsideration of that motion and a reopening of the public hearing. Notices of this meeting were sent to the property owners.

Planning Commission felt the proper procedure before the presentation of this proposal, would be to rescind the motion made at the last meeting in order to entertain a new motion this evening. Barbara Holt made a motion to rescind her motion made on November 17, 1992 to deny; seconded by Mark Green; voting was unanimous.

A revised PUD plan has been submitted which staff feels is more in line with city ordinances. The cul-de-sac road has been shortened

to 600 ft., with a private drive beyond to two building lots. Homes on these two lots will be required to have fire sprinklers installed. However, the following items will still require exceptions to the ordinance:

1. Ordinance requires two access ways; this plan shows only one, and a variance is requested;
2. Ordinance requires cul-de-sacs to be 96 ft. in diameter; this plan shows a cul-de-sac of 80 ft. diameter; a variance is requested;
3. Ordinance states that on-site improvements shall be located only on usable property. This plan shows the private driveway on unusable property; a variance is requested. (The width of disturbance, however, has been greatly reduced).

Staff recommends approval subject to the following conditions:

1. Granting the exceptions as outlined above;
2. Compliance with all conditions of the Foothill Ordinance;
3. Compliance with Ordinance 88-4 in regard to building setback conditions;
4. Submittal of a revegetation plan;
5. Compliance with the building codes;
6. Compliance with all other conditions of the PUD ordinance;
7. Submittal of all final plans for review by the Planning Commission and City Council for compliance with the items outlined above.

Property owners were present this evening, all of whom oppose the development of this property. Mr. Mike Wilkins, attorney, addressed the Planning Commission with three items:

1. The Planning Commission has not acted legally (this meeting had not been noticed in the paper);
2. The Planning Commission cannot legally act;
3. The Planning Commission should not approve the variances.

A copy of Mr. Wilkin's comments is attached.

Mr. Brent Manning also expressed his opinion that the meeting was not being legally held. He said that the proposal not only violates the subdivision's restrictive covenants, it also violates the city ordinance of not allowing more than 5,000 sq. ft. of impervious material on any one lot.

With these statements, the Planning Commission felt they should not proceed further with this meeting until the city's Legal Dept. could study these issues.

A motion to close the public hearing was made by Mark Green and seconded by Barbara Holt; voting was unanimous.

Mr. Gehring said he had tried to meet the intent of the ordinance by sending letters to the property owners within 500 ft. He acknowledged that he had not published it in the newspaper. He recommended tabling the Rem so he could properly notice a new hearing and discuss this with the City Attorney.

Mark Green made a motion to table until the first meeting in January to give staff and the Legal Dept. time to research this project; seconded by Barbara Holt, adding to include all the public notices, etc.; voting was unanimous.

#### 12-1-92.6 Consider approval of a new Bountiful City Master Street Plan

Mr. Balling stated that the Master Street Plan was approved in 1968 and has not been updated since. Many changes have taken place. Street designations have changed in the zoning ordinance, and many areas have changed from the original development concept of the city.

With the development of the LDS Temple on Bountiful Boulevard, it is in the best interest of the city to make a more direct access from 400 North Street to Bountiful Boulevard. The original Master Street Plan proposed a connection from Bountiful Boulevard to Skyline Drive, and this alignment would not be a usable alignment for the temple access.

A new Master Street Plan has been completed which takes into consideration the new changes in growth and development throughout the city. It classifies the streets according to the city Planning and Zoning ordinance and is being presented to the Planning Commission this evening for approval.

The Planning Commission approved of the new Master Street Plan, and told Mr. Gehring to proceed to set a date for the public hearing.

#### 12-2-92.7 Consider approval of amendments to Chapter 10 of the Bountiful City Zoning Ordinance, "Off Street Parking and **Loading**"

Mr. Gehring presented his proposed changes for Chapter 10 for the Planning Commission's review. Each item was studied and changes recommended. Mr. Gehring will prepare a revised copy for further review by the Planning Commission.

Meeting adjourned at 10:35 PM.



